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TRANSFER OF TITLE OF PUBLIC LANDS: MICRONESIAN DELEGATION RESPONSE TO THE UNITED STATES POSITION PAPER.

The Micronesian Delegation has read and considered carefully all of the matters raised in the United States Delegation's position paper on the question of the return of public lands to the people of Micronesia. While we note that neither this paper nor our previously expressed position contemplates all of the many details and specific situations which are involved in the return of public lands, the terms and conditions set forth in the United States Delegation's position will be generally acceptable to the Micronesian Delegation upon satisfactory resolution of the following points:

1. Eminent Domain.

We recognize that, by virtue of its trusteeship responsibilities, the United States will continue to have the power of eminent domain. We believe, however, that given our desire to see the return of all public land to the districts, this power should be severely curtailed in its exercise. The Trust Territory Government's power of eminent domain should have restrictions placed upon it far greater than those which are presently in force in order to assure that the process will, in the words of the United States Delegation, "be used only as a last resort," and to assure that the process is responsive to the needs of the people of Micronesia. It is therefore our position that any necessary exercise of the eminent domain power ought to be done pursuant to district law, and not by act of the Trust Territory Government itself.

2. Military Land.

The United States Delegation has proposed that title to lands which the United States Delegation has requested for future military purposes would be

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returned to the people of the districts only "with the prospective title-holders' formal commitment to accommodate those needs in good faith on terms to be mutually agreed with the United States authorities." We have already told the United States Delegation that we have no objection in principle to United States military land requirements in Micronesia, or to making land available to the United States for that purpose. We are additionally prepared to make a formal commitment to negotiate these matters in good faith with the United States after title to the lands is returned. However, we must hold firm to our previously expressed position that agreement to the lease of lands to the United States military cannot be a precondition to the return of title to public lands.

3. Military Retention Lands.

At the present time, there are approximately 18,000 acres of land in Micronesia that are leased to military agencies of the United States Government. These lands are commonly referred to as military retention lands.

A substantial portion of these lands is so-called public land. The length of the leases with regard to these lands is frequently so great as to amount to virtual ownership, and would effectively deprive the transferee of title to these lands of the use and enjoyment thereof. Accordingly, it is the position of our Delegation that all leases of public land to the United States military, which land is not presently used by the military, should be terminated immediately.

The remaining portion of these military retention lands is land which belongs to individuals and is leased through the Trust Territory Government

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to the United States military. In this case also, it is our Delegation's position that, if such lands are unused, the leases should be terminated in order that the owner of the land might enjoy his full rights of ownership.

Of the lands which are used at the present time by the United States military, it is our Delegation's position, as previously expressed, that all leases of land to the United States military should be subject to re-negotiation before the termination of the Trusteeship Agreement. This is consistent with our position as expressed above relating to the nature of the commitment of owners of land desired by the United States for future military use.

4. Leases of Land to the Trust Territory Government.

Our Delegation has no objection to the continuance of leases of land which are presently used by the Trust Territory Government for public purposes such as schools, roads, and hospitals. There is a substantial amount of land, however, which is leased by individuals to the Trust Territory Government and which is not presently used or planned to be used by the Government for any public purpose. It is our Delegation's position that such leases ought to be treated in a manner similar to that in which we have agreed to treat public land, and that therefore such leases ought to be terminated, at the request of the landowner.

5. Manner of Negotiation.

As our Delegation has previously expressed, all future negotiations for military land requirements of the United States must be conducted and concluded

only with the approval of the Congress of Micronesia, and additionally of a district legislature, if it so desires, and may not be concluded by the United States solely with a landowner. The people of Micronesia have an interest in whether there is to be a United States military presence in Micronesia which far transcends a mere landlord and tenant relationship between the landowner and a prospective lessee.